



# State of Utah

DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

Norman H. Bangerter  
Governor

Dee C. Hansen  
Executive Director

Dianne R. Nielson, Ph.D.  
Division Director

355 West North Temple  
3 Triad Center, Suite 350  
Salt Lake City, Utah 84180-1203  
801-538-5340

May 15, 1992

CERTIFIED MAIL

P 074 979 659

Mr. Wendell Owen  
Co-op Mining Company  
P. O. Box 1245  
Huntington, Utah 84528

Dear Mr. Owen:

Re: Notice Of Potential Pattern Of Violations By Co-op Mining Company At Its Bear Canyon Mine, ACT/015/025, Emery County, Utah

The purpose of this letter is to inform you that, in accordance with Utah Admin. R645-400-330, I have determined that Co-op Mining Company has a potential pattern of violations at its Bear Canyon Mine. Attached are copies of the reviews which form the basis for this determination. The Division procedure for determining a pattern of violations is also attached.

A determination of a pattern of violations includes two separate findings:

1. The permittee has incurred three or more violations of the same or related requirements of the State Program or the permit during a 12-month period (R645-400-332.100), and
2. Each of those violations was caused by the permittee willfully or through unwarranted failure to comply (R645-400-332.200).

In this case, the determination of a potential pattern of violations is based on the occurrence of violations N91-35-1-1, N91-20-1-1, and N91-26-7-2 (2 of 2). Other violations reviewed in conjunction with the determination include violations N91-26-7-2 (1 of 2), N91-35-8-1, N90-35-1-1, N90-25-1-1, and N91-26-4-3 (1 of 3).

Page 2  
Wendell Owen  
May 15, 1992

In accordance with Division procedure, Co-op Mining Company is now provided the opportunity to request an informal hearing to review the potential pattern of violations. The fact of the occurrence of three or more violations of same or similar requirements of the State Program or the permit is considered by the Division to be prima facie evidence because the three above-stated violation were all determined to have occurred and were not successfully appealed. It will be Co-op's burden or responsibility, if an informal conference is held, to prove that the violations were not caused by the permittee willfully or through unwarranted failure to comply.

An informal hearing will be held, if it is requested by Co-op Mining Company in writing to the Division within 30 days of receipt of this letter. If an informal hearing is not requested, the Division will request that the Board issue an Order To Show Cause as to why Co-op Mining Company's permit for the Bear Canyon Mine should not be revoked or suspended.

If you have any questions regarding these procedures or reviews, please contact me or Vicki Bailey at (801) 538-5340.

Please recognize that Co-op's failure to respond or prevail in this matter may result in the revocation or suspension of Co-op's permit to conduct coal mining activities at the Bear Canyon Mine.

Best regards,



Dianne R. Nielson, Ph.D.  
Director

Attachments

cc: E. Kingston  
K. Mangum  
L. Braxton  
P. Grubaugh-Littig  
J. Helfrich  
T. Mitchell  
R. Hagen  
W. Malencik



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July 25, 1991

TO: Lowell P. Braxton, Associate Director, Mining

FROM: Joseph C. Helfrich, Regulatory Program Coordinator

RE: Tracking System Review for the Months of July 1990 to July 1991

The preliminary pattern search for the months of July 1990 to July 1991, indicates that the referenced operator has accrued three or more, same or similar violations within the past twelve month period.

## Co-Op Mining Company

ACT/015/025

Violation	Issue Dates	Nature of Violation	Inspector	Status	Negligence
C90-26-1-1	11/02/90	Conducting mining and reclamation operations without a valid coal mining permit	Bill Malencik	Civil Penalty Paid 12/06/90; No Appeal	No Negligence; 0 Points
N90-34-1-1	11/26/90	Failure to accurately depict the surface facilities of the mining operation in the mining and reclamation plan	Jesse Kelley	Civil Penalty Paid 04/13/91; No Appeal	Negligence; 12 Points
* N91-35-1-1	02/27/91	Failure to conduct mining and reclamation activities in accordance with the approved permit	Susan White	Civil Penalty Paid 06/21/91; No Appeal	Greater Degree of Fault; 23 Points
* N91-20-1-1	04/26/91	Failure to comply with the terms and conditions of the approved mining and reclamation plan	Pamela Grubaugh-Littig	Finalized 07/05/91; Assessment Conference Pending	Greater Degree of Fault; 20 points
* N91-26-7-2 2/2	07/02/91	Conducting mining and reclamation operations without a valid coal mining permit.	Bill Malencik	Proposed Assessment 07/23/91	Greater Degree of Fault; 25 points

Compliance records for NOV #N91-26-7-2 2/2 are provided.